

UNITED STATES DISTRICT COURT

Eastern District of California

UNITED STATES OF AMERICA

v.

JIMMY L. NEWMAN**JUDGMENT IN A CRIMINAL CASE**Case Number: **5:23CR00002-1**

Defendant's Attorney: Laura Myers, Assistant Federal Defender

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1 of the Information.
- ☐ pleaded nolo contendere to count(s) _____, which was accepted by the court.
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
43 C.F.R. § 8365.1-4(b)(2)	Possession of Controlled Substance	7/27/2023	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____.
- ☐ Count(s) _____ dismissed on the motion of the United States.
- ☐ Indictment is to be dismissed by District Court on motion of the United States.
- ☒ Appeal rights given. ☐ Appeal rights waived.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution or fine, the defendant must notify the court and United States attorney of material changes in economic circumstances.

3/5/2024

Date of Imposition of Judgment



Signature of Judicial Officer

Christopher D. Baker, United States Magistrate Judge

Name & Title of Judicial Officer

March 6, 2024

Date

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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 45 days.

- ☐ No TSR: Defendant shall cooperate in the collection of DNA.
- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☒ The defendant shall surrender to the United States Marshal for this district
- ☒ by 2:00 PM on 4/2/2024 .
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before ____ on ____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Officer.
- If no such institution has been designated, to the United States Marshal for this district.
- ☐ Other, Please Specify:

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

United States Marshal

By Deputy United States Marshal

PROBATION

The defendant is hereby sentenced to probation for a term of:

Upon release from imprisonment, you will be on probation for a term of 12 months, expiring 4/3/2025.

If this judgment imposes a fine, special assessment, processing fee or restitution, it is a condition of probation that Defendant pay in accordance with the Schedule of Payments sheet of this judgment.

While on probation, the defendant shall be subject to and must comply with the following conditions of probation:

CONDITIONS OF PROBATION

1. The defendant's probation shall be unsupervised by the probation office.
2. The defendant is ordered to obey all federal, state, and local laws.
3. The defendant shall notify the court and, if represented by Counsel, your counsel of any change of address and contact number.
4. The defendant shall pay a fine of \$500.00, and a special assessment of \$25.00 for a total financial obligation of \$525.00, which shall be paid in full by 4/3/2025, with a minimum payment of \$10.00 per month commencing upon release from custody. Payments shall be made payable to the Clerk, U.S.D.C., and mailed to

CLERK U.S.D.C.
501 "I" Street, #4-200
Sacramento, CA 95814

5. The defendant is committed to the custody of the United States Bureau of Prisons to be imprisoned for a total of 45 days; no later than 2:00 PM on 4/2/2024, defendant is to self-surrender to the United States Marshals Service, 510 19th Street, Bakersfield, California.
6. The defendant is ordered to personally appear for a Probation Review Hearing on 9/3/2024 at 10:00 am before U.S. Magistrate Judge Baker.
The defendant is also ordered to file a probation status report in the format set forth by the Court seven (7) days prior to the Probation Review hearing.
7. The defendant shall attend Narcotics Anonymous meetings or a drug treatment program one (1) time weekly for three (3) months of probation and file sworn proof of attendance to the court and Government Officer, through Counsel, if represented.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

TOTALS

<u>Processing Fee</u>	<u>Assessment</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>	<u>Fine</u>	<u>Restitution</u>
	\$25.00			\$500.00	

☐ The determination of restitution is deferred until ____ . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

☐ Restitution amount ordered pursuant to plea agreement \$ ____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived for the ☐ fine ☐ restitution

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

☐ If incarcerated, payment of any unpaid criminal monetary penalties in this case is due during imprisonment at the rate of 10% of the defendant's gross income per month or \$25 per quarter, whichever is greater. Payment shall be made through the Bureau of Prisons Inmate Financial Responsibility Program.

☐ Other:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A. ☐ Lump sum payment of \$ ____ due immediately, balance due
☐ Not later than ____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B. ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C. ☐ Payment in equal ____ (*e.g. weekly, monthly, quarterly*) installments of \$ ____ over a period of ____ (*e.g. months or years*), to commence ____ (*e.g. 30 or 60 days*) after the date of this judgment; or
- D. ☐ Payment in equal ____ (*e.g. weekly, monthly, quarterly*) installments of \$ ____ over a period of ____ (*e.g. months or years*), to commence ____ (*e.g. 30 or 60 days*) after release from imprisonment to a term of supervision; or
- E. ☒ Payment during the term of unsupervised release/probation will commence upon release from imprisonment. The court sets the payment plan of at least \$10.00 per month, with the total financial obligation due by the date of expiration of probation (4/3/2025).
- F. ☒ Special instructions regarding the payment of criminal monetary penalties:
☒ **Payments must be made by Check or Money Order, payable to: Clerk, U.S.D.C. and mailed to:**
☒ CLERK U.S.D.C.
501 "I" Street, #4-200
Sacramento, CA 95814
Your check or money order must indicate **your name and citation/case number** shown above to ensure your account is credited for payment received.

If incarcerated, payment of any unpaid criminal monetary penalties in this case is due during imprisonment at the rate of 10% of the defendant's gross income per month or \$25 per quarter, whichever is greater. Payment shall be made through the Bureau of Prisons Inmate Financial Responsibility Program.

The defendant shall make payments toward any unpaid criminal monetary penalties in this case during supervision at the rate of at least 10% of your gross monthly income. Payments are to commence no later than 60 days from placement on supervision. This payment schedule does not prohibit the United States from collecting through all available means any unpaid criminal monetary penalties at any time, as prescribed by law.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States: The Preliminary Order of Forfeiture is hereby made final as to this defendant and shall be incorporated into the Judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.